

REMARKS

Claims 28-55 remain pending in this application and are presented for reconsideration.

Claims 28-55 stand rejected under 35 U.S.C. §102(e) as being anticipated by International Publication No. WO 02/13262 to Fitzgerald, Currie, and Hammond. Applicants respectfully traverse this rejection and request its reconsideration and withdrawal in view of the Request to Correct Inventive Entity Under 37 C.F.R. §1.48(a) (the “Request”) filed herewith.

Specifically, Applicants have filed the Request to add Eugene A. Fitzgerald as an inventor of the claimed subject matter. Applicants submit that the error in inventorship in the previously executed declaration under 37 C.F.R. §1.63 occurred without any deceptive intent, and respectfully ask that the Request be granted.

As recognized in the Office action, a reference is applicable under 35 U.S.C. 102(e) only if the inventive entity of the application is different than that of the reference. See MPEP 201.06(f). Applicants note that, upon correcting the inventive entity, this application will complete common inventorship with the cited reference. Accordingly, Applicants respectfully request International Publication No. WO 02/13262. be removed as a prior art reference and that the rejection based on this reference under 35 U.S.C. 102(e) be withdrawn.

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration, withdrawal of all grounds of rejection, and allowance of claims 28-55 in due course. The Examiner is invited to contact the Applicants’ undersigned representative by telephone at the number listed below to discuss any outstanding issues.

Respectfully submitted,



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